

W 22. 1741

Recd May 1. 1845

**The RESOLUTIONS of the Trustees for Establishing the Colony of Georgia in America, in Common-Council assembled, this eighth Day of March, in the Year of our Lord One thousand seven hundred and forty-one, relating to the Grants and Tenure of Lands within the said Colony.**



HEREAS the Common-Council of the said Trustees did, on the twenty-eighth Day of August, in the Year of our Lord one thousand seven hundred and thirty-nine, come to several Resolutions, relating to the Grants and Tenure of Lands within the said Colony. Now for the removing any Doubts, which may arise thereupon, and for the better explaining and establishing the Grants and Tenure of Lands within the said Colony, It is this Day unanimously resolved, by the Common-

Council of the said Trustees assembled for that Purpose, That the Grants of Lands, or Tenements, within the said Colony, heretofore made, and hereafter to be made, by the said Trustees, to any Person or Persons whatsoever, shall be altered, made, and established, in Manner and Form following. That is to say,

THAT if Tenant in Tail of Lands, or Tenements, within the said Colony, shall happen to die, leaving a Wife and one or more Children, such Wife shall have the Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and a Moiety of such Lands and Tenements, for the Term of her Life; and the other Moiety (if not exceeding fifty Acres) shall descend immediately to the eldest Son, in case there be a Son; but if such Moiety happen to exceed fifty Acres, then it shall be lawful for such Tenant in Tail, being of the Age of twenty-one Years, or upwards, to devise, by his last Will in Writing, duly executed in the Presence of three or more credible Witnesses, so much thereof as shall exceed the said fifty Acres, to or amongst any of his other Children; and the said Wife's Share shall immediately, after her Decease, descend to such eldest Son. And in case there be no Son, then it shall be lawful for such Tenant in Tail, being of the Age aforesaid, to devise, by his last Will in Writing, executed as aforesaid, the said other Moiety; and also the Wife's Share, after her Decease, to or amongst any of his Children; and in Default of any such Devise, then the same shall descend to the eldest Daughter in Tail.

CASE I.  
A Wife, and  
one or more  
Children.

AND if such Tenant in Tail happen to die, leaving a Wife and no Child, such Wife shall have all his said Lands and Tenements, if not exceeding one hundred Acres in the Whole, for the Term of her Life: But if such Lands amount to two hundred Acres, or more, then such Wife shall have the Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and a Moiety of the said Lands, for the Term of her Life. And it shall be lawful for such Tenant in Tail, being of the Age aforesaid, to devise the other Moiety, and also the Wife's Share, after her Decease, by his last Will in Writing, executed as aforesaid, to any Person or Persons. And if such Lands exceed one hundred Acres, and be less than two hundred Acres, in such Case the Wife shall have the said Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and one hundred Acres of such Lands, for the Term of her Life. And it shall be lawful for such Tenant in Tail, being of the Age aforesaid, to devise the Residue thereof, and also the said Wife's Share, after her Decease, in Manner aforesaid; and in Default of such Devise, as aforesaid, such Lands and Tenements shall descend to the Heir at Law.

CASE II.  
A Wife, and  
no Child.

AND if such Tenant in Tail happen to die, leaving one or more Children, and no Wife, the Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, together with fifty Acres of Land nearest to the said House, shall descend immediately to the eldest Son. And it shall be lawful for such Tenant in Tail, being of the Age aforesaid, to devise, by his last Will in Writing, executed as aforesaid, the Residue of his Lands and Tenements, to or amongst any of his other Children. And if there be no Son, then it shall be lawful for such Tenant in Tail, being of the Age aforesaid, to devise, in Manner aforesaid, all his Lands and Tenements, to or amongst any of his Daughters. But in Default of any such Devise, the Whole shall descend to the eldest Son; and if there be no Son, then to the eldest Daughter: And if there be neither Son nor Daughter, then it shall be lawful for such Tenant in Tail, being of the Age aforesaid, to devise, in Manner aforesaid, all or any of his said Lands and Tenements, to any Person or Persons, as he shall think fit; and in Default of such Devise, then the Whole shall descend to the Heir at Law.

CASE III.  
One or more  
Children, and  
no Wife.

THAT if a Female Tenant in Tail of Lands, or Tenements, within the said Colony, shall happen to die, leaving a Husband and one or more Children, such Husband shall have the Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and a Moiety of such Lands and Tenements, for the Term of his Life; and the other Moiety (if not exceeding fifty Acres) shall descend immediately to the eldest Son, in case there be a Son: But if such Moiety happen to exceed fifty Acres, then it shall be lawful for such Female Tenant in Tail, being of the

CASE IV.  
A Husband,  
and one or  
more Chil-  
dren.

Age



Age of twenty-one Years, or upwards, to devise, by her last Will in Writing, duly executed in the Presence of three or more credible Witnesses, so much thereof as shall exceed the said fifty Acres, to or amongst any of her other Children; and the said Husband's Share shall immediately, after his Decease, descend to such eldest Son: And in case there be no Son, then it shall be lawful for such Female Tenant in Tail, being of the Age aforesaid, to devise, by her last Will in Writing, executed as aforesaid, the said other Moiety, and also the Husband's Share, after his Decease, to or amongst any of her Children; and in Default of any such Devise, then the same shall descend to the eldest Daughter in Tail.

CASE V.  
A Husband,  
and no Child.

AND if such Female Tenant in Tail happen to die, leaving a Husband and no Child, such Husband shall have all her said Lands and Tenements, if not exceeding one hundred Acres in the Whole, for the Term of his Life; but if such Lands amount to two hundred Acres, or more, then such Husband shall have the Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and a Moiety of the said Lands, for the Term of his Life. And it shall be lawful for such Female Tenant in Tail, being of the Age aforesaid, to devise the other Moiety, and also the Husband's Share, after his Decease, by her last Will in Writing, executed in Manner aforesaid, to any Person or Persons. And if such Lands exceed one hundred Acres, and be less than two hundred Acres, in such Case the Husband shall have the said Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and one hundred Acres of such Lands, for the Term of his Life: And it shall be lawful for such Female Tenant in Tail, being of the Age aforesaid, to devise the Residue thereof, and also the said Husband's Share, after his Decease, in Manner aforesaid: And in Default of such Devise, as aforesaid, such Lands and Tenements shall descend to the Heir at Law.

CASE VI.  
One or more  
Children, and  
no Husband.

AND if such Female Tenant in Tail happen to die, leaving one or more Children, and no Husband, the Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, together with fifty Acres of Land nearest to the said House, shall descend immediately to the eldest Son: And it shall be lawful for such Female Tenant in Tail, being of the Age aforesaid, to devise, by her last Will in Writing, executed as aforesaid, the Residue of her Lands and Tenements, to or amongst any of her other Children. And if there be no Son, then it shall be lawful for such Female Tenant in Tail, being of the Age aforesaid, to devise, in Manner aforesaid, all her Lands and Tenements, to or amongst any of her Daughters: But in Default of any such Devise, the Whole shall descend to the eldest Son; and if there be no Son, then to the eldest Daughter; and if there be neither Son nor Daughter, then it shall be lawful for such Female Tenant in Tail, being of the Age aforesaid, to devise, in Manner aforesaid, all or any of her said Lands and Tenements, to any Person or Persons, as she shall think fit; and in Default of such Devise, then the Whole shall descend to her Heir at Law.

None to have  
more than  
2000 Acres.

PROVIDED always, that no Person shall be capable of having, claiming or enjoying, by Virtue of any Devise, or otherwise, a greater Quantity of Lands or Tenements, at one and the same Time, within the said Colony, than two thousand Acres; but that every Devise, Title, or other Claim shall be void, for so much thereof as shall with the other Lands or Tenements of such Person within the said Colony, exceed two thousand Acres; and so much of such Lands or Tenements as shall exceed two thousand Acres, shall descend to the Heir at Law, in such Manner as if there had been no Devise thereof, or any other Claim or Title thereunto. And it is also further Provided, That no Devise shall be made of any Lands or Tenements within the said Colony, in Pursuance of any Power given by any of the before-mentioned Resolutions, which shall be of a less Quantity than fifty Acres; but that every such Devise shall be null and void, and such Lands shall descend to the Heir at Law, as if no Devise had been thereof made.

How to set  
out the Shares  
of Lands.

AND if any Dispute shall arise, touching the setting out any of the Shares, Proportions, or Claims to the said Lands or Tenements, by Virtue of any Devise, or of any Limitations or Provisions herein before-mentioned, then, and in every such Case, the Magistrates of the Town-Court in Georgia, nearest thereunto, or any one of them, shall within the Space of three Weeks after Application in Writing, to them made for that Purpose, summon seven of the neighbouring Freeholders, who are hereby required to take an Oath, to be administered to them by such Magistrate, or Magistrates, justly and equitably to set out such Shares, Proportions, or Claims to the said Lands or Tenements, dividing the cultivated and uncultivated Lands proportionably between the Parties intitled thereunto; and the Award so made by them, or the major Part of them, shall be returned by them to the next Town-Court, to be kept among the Records of the said Court, which Award shall be final.

The Time  
for making  
Claims.

PROVIDED always, That all and every Person and Persons intitled to, or claiming any such Lands or Tenements in Possession, do, from Time to Time, within the Space of twelve Kalendar Months next after such his, her, or their Right or Title respectively shall accrue, personally appear, if residing in America, and claim the same in any of the Town-Courts in Georgia; and if residing out of America, then within the Space of eighteen Kalendar Months next after such his, her, or their Right or Title respectively shall accrue: And in Default of such Appearance and Claim as aforesaid,

Then



Then that all and singular the said Lands and Tenements shall be forfeited, enture, and remain to the said Trustees, and their Successors, for ever.

AND in case the Widow of any such Tenant shall marry again, after his Decease, Then such Person, whom she shall so marry, shall, within the Space of twelve Kalendar Months next after such Marriage, give sufficient Security to the said Trustees, and their Successors, to be taken by the Magistrates of the Town-Court in Georgia nearest thereunto, for maintaining and keeping in Repair, during such Marriage, the said Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and other the Premises to which she shall be so intitled, in Right of her former Husband: And if such Security shall not be given in Manner aforesaid, within the Space of twelve Months next after such Marriage, then, and in every such Case, the Provision hereby made, or intended to be made, for the Benefit of such Widow, shall cease, determine, and be absolutely void to all Intents and Purposes: And the said Dwelling-House, with the Out-Buildings, Gardens, and Appurtenances thereunto belonging, and all and singular the Premises, shall be, and enure to such Child or Children, or to such other Person or Persons, who would be intitled to the same, in case the said Widow was naturally dead.

Security for Repairs.

AND that it shall be lawful for every Tenant in Tail of Lands, or Tenements, within the said Colony, from Time to Time, to lease or demise, in Possession, and not in Reversion, all or any Part of such Lands or Tenements, for any Term or Terms of Years not exceeding twenty-one Years in the Whole, from the Sealing and Delivery of such Lease or Demise, on which shall be reserved the best and most improved Rent that can be gotten for the same, and for which no Sum of Money or Fine shall be taken.

AND that it shall be lawful for all and every Person, who shall be seized of any Lands or Tenements within the said Colony, as Husband after the Decease of the Wife, or as Wife after the Decease of the Husband, by Virtue of any of the before-mentioned Resolutions, from Time to Time respectively, to lease or demise the same, or any Part thereof (except the Dwelling-House, with the Out-Buildings, Gardens and Appurtenances) in Possession, and not in Reversion, for any Term of Years, not exceeding twenty-one Years in the Whole, from the Sealing and Delivery of such Lease or Demise, for the best and most improved Rent that can be gotten for the same, and for which no Sum of Money or Fine shall be taken.

Powers for making Leases.

AND all and every Person and Persons having Lands or Tenements within the said Colony, who shall be convicted of doing or committing any Treason, Misprision of Treason, or Felony, shall, upon such Conviction, forfeit such Lands and Tenements to the said Trustees, and their Successors.

AND it is further resolved, That all and every Person and Persons seized or possessed of fifty Acres of Land within the said Colony, do, and shall, by themselves or Tenants, well and sufficiently clear and cultivate five Acres of Wood-Ground, Part thereof within ten Years from the Date of the original Grant thereof, and set and plant fifty Trees or Plants of the White Mulberry-Tree thereon, and keep, preserve, and maintain the like Quantity thereon, from Time to Time.

Conditions for Cultivating and Planting.

AND that every Person seized or possessed of five hundred Acres of Land within the said Colony, do, and shall, by themselves or Tenants, well and sufficiently clear and cultivate fifty Acres of Wood-Ground, Part thereof within the Space of ten Years from the Date of the original Grant thereof, in the Manner hereafter mentioned. That is to say,

TWENTY Acres, Part thereof within four Years from the Date of such Grant, twenty Acres more within eight Years, and the remaining ten Acres on or before the Expiration of the said Term of ten Years.

AND do and shall, within the further Space of ten Years next ensuing the Expiration of the said first mentioned Term of ten Years, well and sufficiently clear and cultivate fifty Acres more of Wood-Ground, other Part of such five hundred Acres.

AND that every such Person do, and shall set and plant within the said first Term of ten Years, one thousand Trees or Plants of the White Mulberry-Tree. And one thousand Trees or Plants, more of the White Mulberry-Tree, within the second Term of ten Years before-mentioned, in and upon such Parts of the said five hundred Acres, as will be convenient for that Purpose; and keep, preserve, and maintain thereon, from Time to Time, the like Proportion of White Mulberry-Trees in Manner aforesaid.

AND that every Person seized or possessed of less than five hundred Acres, and more than fifty Acres, do, and shall, by themselves or Tenants, clear and cultivate the like Proportion of such Lands, and set and plant from Time to Time, and keep, preserve, and maintain thereon the like Proportion of White Mulberry-Trees in Manner aforesaid.

AND if Default shall be made in all, or any of the Conditions herein before-mentioned, or expressed, touching the clearing and cultivating the Lands, or the setting, planting, preserving, or maintaining the Trees or Plants of the White Mulberry-Tree, in Manner before-mentioned; then, and in every such Case, the Lands and Tenements of every such Person or Persons so making Default,

fault,

fault, either by themselves or Tenants, shall be forfeited, enure, and remain to the said Trustees, and their Successors, for ever.

The Tenure  
to be in Tail  
Male.

AND that all and every Person and Persons claiming, or to claim any Lands or Tenements within the said Colony, by Descent or Devise, in Virtue of the before-mentioned Resolutions, or any of them, shall respectively hold such Lands in Tail Male, on the like Tenure, and subject to the same Conditions, Proviso's, Limitations, Powers of devising and making Leases, and liable to the several Claims, Shares, Proportions, and Forfeitures, to all Intents and Purposes as are herein before-mentioned or expressed.

Directions for  
future Grants.

AND, lastly, it is resolved, That in all Grants in Tail hereafter to be made by the said Trustees, of Lands or Tenements within the said Colony, Mention shall be made, that such Lands or Tenements are granted on the like Tenure, and subject to the same Conditions, Proviso's, Limitations, Powers of devising and making Leases, and liable to the several Claims, Shares, Proportions, and Forfeitures, to all Intents and Purposes, as are mentioned or expressed in the Resolutions of the said Trustees, in Common-Council assembled, bearing Date the eighth Day of *March*, in the Year of our Lord one thousand seven hundred and forty-one. A printed Copy whereof, signed by the Secretary of the said Trustees, shall be annexed to every such Grant.

*Signed by Order of the said Common-Council.*

THE

## RESOLUTIONS

Of the Trustees for Establishing the Colony  
of *Georgia in America*, in Common-Council  
assembled, relating to the Grants and Te-  
nure of Lands within the said Colony.

*March 8, 1741.*



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March 8, 1741.